

MILPERSMAN 1640

CONFINEMENT

Responsible Office	NAVPERSCOM (PERS-84)	Phone :	DSN	882-4446
			COM	(901) 874-4446
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Governing Directive	SECNAVINST 1640.9B
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1. **In This Section.** This section covers these topics:

Topic	See MILPERSMAN
Confinement Policy	1640-010
When Confinement is Not Appropriate	1640-020
Types of Confinement Facilities	1640-030
Designation of Places for Confinement	1640-040
When to Transfer Enlisted Members TEMADD	1640-060
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What the Member Needs Upon Transfer	1640-100
Transporting Personnel to Confinement Facilities	1640-110
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MILPERSMAN 1640-010

CONFINEMENT POLICY

Responsible Office	NAVPERSCOM (PERS-84)	Phone:	DSN COM FAX	882-4444 (901) 874-4444 882-2626
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Governing Directives	Manual for Courts-Martial United States (MCM) Manual of the Judge Advocate General (JAGMAN) United States Navy Regulations (NAVREGS) DOD Directive 1325.4 BUPERSINST 1640.17D OPNAVINST 1640.7A OPNAVINST 1640.8 OPNAVINST 1640.9 OPNAVINST 1640.19 SECNAVINST 1640.7D SECNAVINST 1640.9B SECNAVINST 1640.11C SECNAVINST 5800.14
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1. **Policy.** Navy Personnel Command (NAVPERSCOM) is responsible for the administration of the Navy Corrections Program. Navy confinement facilities shall be administered per the governing directives, and supplemental instructions issued by higher authority. Confinement policies and procedures shall be executed uniformly throughout the Navy. The number of members confined or otherwise under restraint should be kept to a minimum. It is vital members in a disciplinary status be required to perform normal duties insofar as practicable. Arbitrary confinement or arrest results in a serious waste of manpower. Commanding officers are responsible for careful observance of the MCM, Chapter II, Rules for Courts-Martial, and the articles of the Uniform Code of Military Justice related to apprehension and restraint.

MILPERSMAN 1640-020

WHEN CONFINEMENT IS NOT APPROPRIATE

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Governing Directives	Manual for Courts-Martial United States (MCM) Manual of the Judge Advocate General (JAGMAN) United States Navy Regulations (NAVREGS) DODD 1325.4 SECNAVINST 1640.11C
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1. **Confinement Not Appropriate.** A member shall not be confined

a. only for safekeeping or protective custody;

b. while awaiting trial by court-martial when the only charge preferred is violation of UCMJ, article 86, unless the number of offenses or the circumstances surrounding the member's return to military control clearly indicate that confinement is necessary to ensure their presence at trial;

c. while awaiting completing of appellate review after that portion of the sentence relating to confinement has been served;

d. while awaiting administrative discharge solely because of the impending discharge;

e. solely because of emotional instability; or

f. for offenses that are to be referred to a summary Court-Martial or disposed of at non-judicial punishment.

2. **Policy.** Navy Personnel Command (NAVPERSCOM) policy requires the number of members confined or otherwise under restraint be kept to a minimum. Members in a disciplinary status should be required to perform normal duties insofar as practicable. Arbitrary confinement or arrest results in a waste of personnel resources. Commanding officers shall ensure that careful and individual consideration is given to each member in

a disciplinary status with a view toward uniform treatment, the removal of possible injustice and reduction of brig population.

MILPERSMAN 1640-030

TYPES OF CONFINEMENT FACILITIES

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1. **Types of Facilities and Locations.** Below are the six types of Navy confinement facilities and locations:

a. **Naval Consolidated Brigs (NAVCONBRIGS) and Brig/Correctional Custody Unit (CCU) Norfolk (Level II)**

NAVCONBRIG Charleston
NAVCONBRIG Miramar (see Note)
Brig/CCU Norfolk (see Note)

b. **Waterfront Brigs/CCUs (Level I)**

Brig/CCU Jacksonville (see Note)
Brig/CCU Bangor (see Note)
Brig/CCU Pearl Harbor (see Note)
Brig/CCU Pensacola

c. **Pre-Trial Confinement Facilities (PCFs)**

PCF, Great Lakes (see Note)
PCF, SUBASE New London
PCF/CCU, COMFLEACT Yokosuka (see Note)
PCF, Guantanamo Bay

d. Detention Facilities (DETFACS)

NAVSTA Roosevelt Roads
NAS Keflavik
SUBASE Kings Bay
NAVSTA San Diego (2)
NAVSTA Anacostia
NAS North Island
NAS Lemoore
NAS Meridian
NAS Corpus Christi
SUBASE Bangor
COMFLEACT Yokosuka
COMFLEACT Sasebo
COMNAVMARIANAS Guam
NAVSUPPACT Naples
NAVSUPPFAC Diego Garcia (see Note)

e. Afloat Brigs

USS ENTERPRISE (CVN 65)
USS JOHN F. KENNEDY (CV 67)
USS NIMITZ (CVN 68)
USS DWIGHT D. EISENHOWER (CVN 69)
USS THEODORE ROOSEVELT (CVN 71)
USS GEORGE WASHINGTON (CVN 73)
USS HARRY S. TRUMAN (CVN 75)
USS KITTY HAWK (CV 63)
USS CONSTELLATION (CV 64)
USS CARL VINSON (CVN 70)
USS ABRAHAM LINCOLN (CVN 72)
USS JOHN C. STENNIS (CVN 74)
USS WASP (LHD 1)
USS KEARSARGE (LHD 3)
USS BATAAN (LHD 5)
USS ESSEX (LHD 2)
USS BOXER (LHD 4)
USS BON HOMME RICHARD (LHD 6)
USS NASSAU (LHA 4)
USS TARAWA (LHA 1)
USS PELELIU (LHA 5)
USS SIMON LAKE (AS 33) (see Note)
USS EMERY S. LAND (AS 39)

f. **Other confinement facilities**

U.S. Army Confinement Facility, Mannheim Germany
U.S. Disciplinary Barracks, Fort Leavenworth, KS and Federal
Bureau of Prisons (Level III)
Civilian facilities (see SECNAVINST 1640.9B, Article 7104.4)

NOTE: Female confinement capable. CCU Norfolk is the only CCU capable of taking females. A number of carriers and detention facilities are capable of confining females, contact the command for current status.

MILPERSMAN 1640-040

DESIGNATION OF PLACES FOR CONFINEMENT

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1. **Facilities for Officer and Enlisted.** The below table is provided as a guide when determining what type of confinement facility to use:

WHEN member is confined	THEN use	UNLESS
for pretrial confinement	<p>the nearest or most convenient brig, Pretrial Confinement Facility (PCF) or Naval Consolidated Brig (NAVCONBRIG)</p> <p>NOTE: Females will only be confined in facilities authorized to confine females.</p> <p>NOTE: For Servicemembers assigned to ships with brigs, the afloat brig may be used until Servicemember can be transferred to ashore confinement facility.</p> <p>NOTE: In Roosevelt Roads, Guam, Keflavik, and Lemoore, CA the Detention Facility may be used.</p>	<p>not available, then use of a civilian confinement facility may be authorized (see SECNAVINST 1640.9B, Article 7104.4).</p> <p>NOTE: Prisoners in civilian facility will receive initial reviews, health and comfort issues and other necessities as required by the governing directive.</p>

WHEN member is confined	THEN use	UNLESS
serving an adjusted sentence (court-ordered sentence minus projected credits for pretrial time served, good conduct, etc.) of 30 days or less	the ship's brig, the nearest or most convenient Waterfront Brig, PCF, NAVCONBRIG/Norfolk Brig NOTE: Females will only be confined in facilities authorized to confine females. NOTE: In case of officer confinements, the officer's command and the initial confinement facilities will notify Navy Personnel Command, (NAVPERSCOM) (PERS-84) of the officer confinement for designation of facility.	not available, then use of a civilian confinement facility may be authorized (see SECNAVINST 1640.9B, Article 7104.4). NOTE: Prisoners in civilian facility will receive initial reviews, health and comfort issues and other necessities as required by the governing directive.
on bread and water or diminished rations		
for correctional custody	Correctional Custody Units (CCUs) listed in MILPERSMAN 1640-030	

WHEN member is confined	THEN use	UNLESS
serving an adjusted sentence of 31 days or more	initially use the ship's brig or most convenient Waterfront Brig/PCF/NAVCONBRIG/ Norfolk Brig. The initial confinement facility will arrange further transfer to an ultimate facility, if required	not available, then use of a civilian confinement facility may be authorized (see SECNAVINST 1640.9B, Article 7104.4). NOTE: Prisoners in civilian facility will receive initial reviews, health and comfort issues and other necessities as required by the governing directive.

WHEN member is confined	THEN use	UNLESS
to serve 5 or more years	<p>NOTE: Prisoners sentenced to 5 or more years will normally be confined at U.S. Disciplinary Barracks, Ft. Leavenworth, KS or Federal Bureau of Prisons, once authorized by NAVPERSCOM (PERS-84).</p> <p>NOTE: In the case of officer confinements, the officer's command and the initial confinement facility will notify NAVPERSCOM (PERS-84) for designation of site of any officer confinements using the format below.</p> <p>NOTE: Females will only be confined in facilities authorized to confine female members.</p>	

2. Request for Designation or Redesignation of Place for Confinement. Use the proper letter format containing the following for requesting designation of a place for confinement.

From: (Commanding Officer)

To: Navy Personnel Command (PERS-84)

Subj: REQUEST FOR DESIGNATION/REDESIGNATION OF PLACE OF
CONFINEMENT ICO (FULL NAME, RANK/RATE, COMPONENT, SSN,
DESIGNATOR)

Ref: (a) MILPERSMAN 1640-040

1. Per reference (a), request designation/redesignation of a place for confinement.

2. The following information is provided:

Type Court/date of Court:

UCMJ Articles found guilty of:

Sentence:

Years/Month confinement:

Forfeiture of Pay:

Discharge/Dismissal: (YES/NO)

Type Discharge:

Pretrial Agreement: (YES/NO)

(If yes, provide details)

If confined, current place of confinement:

Signature of Commanding Officer
or By direction

MILPERSMAN 1640-060

WHEN TO TRANSFER ENLISTED MEMBERS TEMPORARY ADDITIONAL DUTY (TEMADD)

Responsible Office	NAVPERSCOM (PERS-84)	Phone:	DSN	882-4444
			COM	(901)874-4444
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1. **TEMADD**. When an enlisted member has been sentenced to confinement for **30 days or less**, regardless of any pretrial confinement served, or "good time" earned, and who was not awarded an unsuspended punitive discharge or dismissal, member shall be transferred TEMADD to the designated confinement facility.

2. **Preparation of Orders**. Prepare NAVPERS 1320/16, Temporary Additional Duty (TEMADD) Travel Orders with the following modifications:

a. **BLOCK 7**: MILPERSMAN 1640-060

b. **BLOCK 13**:

From: "permanent duty station"

To: (Choose One from the Below List)

Naval Consolidated Brig (NAVCONBRIG) Charleston, SC or Miramar, CA; Transient Personnel Unit (TPU) serving the confinement facility or Naval Station (NAVSTA) or Naval Air Station (NAS) where the confinement facility is located.

Upon completion of confinement, return to permanent duty station.

NOTE: If the member's ship or mobile unit departs the vicinity of the brig for an extended period of time prior to completion of confinement, the Commanding Officer of the consolidated brig (CONBRIG), TPU, NAVSTA, or NAS may request disposition of the member (i.e., retain on board pending ship's return, mobile

unit's return to homeport, or return member to command as soon as possible) from the member's command.

c. **BLOCK 15**: "(number) days confinement at (name of brig)."

MILPERSMAN 1640-070

WHEN TO TRANSFER ENLISTED MEMBERS TEMPORARY DUTY (TEMDU)

Responsible Office	NAVPERSCOM (PERS-84)	Phone:	DSN	882-4444
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1. **TEMDU**. An enlisted member shall be transferred TEMDU to the designated confinement facility when the adjusted sentence to confinement (reduced by pretrial confinement, good conduct time and any confinement by pretrial agreement) is for **31 days or more**.

2. **Orders for Enlisted Members**. Prepare TEMDU using Standard Transfer Order (STO) (NAVCOMPT 536/NAVPERS 1326/11) per NAVPERS 15909F, Enlisted Transfer Manual with the following modifications:

a. **BLOCK 4**: MILPERSMAN 1640-070

b. **BLOCK 11**:

(1) ACC: 391 Transient Personnel Unit, Puget Sound, Naval Submarine Base, Bangor (UIC 32180) for (number) years, months, days confinement at Waterfront Brig Puget Sound, Naval Submarine Base, Bangor and further disposition.

(2) ACC: 391 Transient Personnel Unit, Naval Station, Pearl Harbor (UIC 32003) for (number) years, months, days confinement at Waterfront Brig, Naval Station, Pearl Harbor and further disposition.

(3) ACC: 391 Transient Personnel Unit, Yokosuka, Japan (UIC 31907) for (number) years, months, days confinement at Commander, Fleet Activities Yokosuka, Pretrial Confinement Facility and further disposition.

(4) ACC: 391 Transient Personnel Unit, Naval Station, Norfolk (UIC 32002) for (number) years, months, days confinement at Naval Brig/CCU Naval Station, Norfolk and further disposition.

(5) ACC: 391 Transient Personnel Unit, Naval Air Station, Jacksonville (UIC 31916) for (number) years, months, days confinement at Waterfront Brig/CCU, Naval Air Station, Jacksonville and further disposition.

(6) ACC: 391 Transient Personnel Unit, Great Lakes (UIC 32458) for (number) years, months, days confinement at Naval Training Center, Great Lakes, Pretrial Confinement Facility and further disposition.

(7) ACC: 391 Naval Air Station, Pensacola (UIC 33319) for (number) years, months, days confinement at Pretrial Confinement Facility/CCU Naval Air Station, Pensacola and further disposition.

(8) ACC: 391 Naval Submarine Base New London (UIC 00129) for (number) years, months, days confinement at Naval Submarine Base New London, Pretrial Confinement Facility and further disposition.

(9) ACC: 391 Naval Station Guantanamo Bay, Cuba (UIC 60514) for (number) years, months, days confinement at Naval Station Guantanamo Bay, Pretrial Confinement Facility and further disposition.

(10) ACC: 391 Naval Consolidated Brig Charleston, SC (UIC 47999) for (number) years, months, days confinement and further disposition.

(11) ACC: 391 Naval Consolidated Brig Miramar, CA (UIC 47968) for (number) years, months, days confinement and further disposition

c. **BLOCK 12:** TEMPORARY DUTY (CONFINEMENT)

MILPERSMAN 1640-080

OFFICER TRANSFER FOR CONFINEMENT

Responsible Office	NAVPERSCOM (PERS-84)	Phone:	DSN COM FAX	882-4444 (901) 874-4444 882-2626
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1. **Policy**. When an officer has been sentenced to confinement, designation of confinement will be made by Navy Personnel Command (NAVPERSCOM) (PERS-84).

2. **Orders for Officers**. Below are the normal steps taken to transfer an officer for confinement.

Step	Action
1	The officer's command will confine the officer in the nearest or most convenient confinement facility.
2	The officer's command and the initial confinement facility submits request for designation of ultimate confinement facility to NAVPERSCOM (PERS-84) (see MILPERSMAN 1640-040).
3	NAVPERSCOM (PERS-84) will respond by message designating a place of confinement.
4	NAVPERSCOM (PERS-84) will then coordinate with the officer's detailee for issuance of TEMDU orders, or will direct the member's command to issue TEMADD orders.

MILPERSMAN 1640-090

WHO PAYS FOR THE TRANSFER

Responsible Office	NAVPERSCOM (PERS-84)	Phone:	DSN COM FAX	882-4444 (901) 874-4444 882-2626
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1. **Prisoner's Expenses**. Use the below table to determine who pays for the transfer to a confinement facility.

WHEN a member is transferring..	THEN the cost is chargeable..
Temporary Additional Duty (TEMADD)	to the member's command temporary additional duty targeted budget (TADTAR).
Temporary Duty (TEM DU)	in accordance with BUPERSINST 7040.6.

2. **Escort's Expenses**. The cost of prisoner escorts is chargeable to the member's activity, except when members are transferring to a Naval Consolidated Brig (NAVCONBRIG) or to U.S. Disciplinary Barracks, Fort Leavenworth, KS. In these cases, the NAVCONBRIGs will normally provide funding.
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MILPERSMAN 1640-100

WHAT THE MEMBER NEEDS UPON TRANSFER

Responsible Office	NAVPERSCOM (PERS-84)	Phone:	DSN COM FAX	882-4444 (901)874-4444 882-2626
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Governing Directives	Joint Federal Travel Regulations (JFTR) Manual for Courts-Martial (MCM)
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1. **Items Upon Transfer**. Ensure the following items accompany the member upon transfer to a confinement facility:

a. Temporary Additional Duty (TEMADD) or Temporary Duty (TEM DU) orders (as appropriate);

b. Completed DD 2707, Confinement Order, signed by an officer, or a chief petty officer (E-7 - E-9) or a petty officer (E-6) when authorized in writing by their commanding officer, and medical certification of fitness for confinement;

NOTES:

(1) Copy of confinement delegation letter for orders (signed by E-6 - E-9) shall be provided to the confinement facility.

(2) Commanding officer shall ensure personnel delegated authority to sign confinement orders are familiar and comply with the requirements for pretrial confinement per MCM, Rules for Courts-Martial (RCM) 305(h)(2)(B).

c. Copy of NAVPERS 1626/7, Report and Disposition of Offense(s), for Awardees serving correctional custody;

d. Copy of court-martial order (when available and if applicable);

e. Report of Result of Trial;

- f. Copy of Report of Investigation of Offense;
- g. Victim/witness information and documentation (if applicable);
- h. Copy of Pre-trial Agreement (if applicable);
- i. Copy of Letter of Deferment (if applicable);
- j. Service, pay, medical and dental records; and
- k. Uniforms:
 - (1) TEMADD - as specified by confinement facility.
 - (2) TEMDU - all military uniforms/as a minimum member must have serviceable items specified by confinement facility.
 - (3) Officers contact confinement facility for requirements.

NOTE: In those cases where a member in a pay status does not have required items, the member should be required to purchase the missing items using DD 504, Request and Receipt for Health and Comfort Supplies, which will be charged to the member's pay account.

2. **Personal Effects**. When a member is being transferred for confinement, the member's personal effects shall be handled as indicated below:

- a. **TEMADD** - retain at command.
 - b. **TEMDU** - for shipment of household goods (HHG) and dependents' transportation refer to JFTR, paragraphs U5317, U5370-D1, U5370-D8 (see also paragraphs U5240-D2, item h, and U5370-J).
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MILPERSMAN 1640-110

TRANSPORTING PERSONNEL TO CONFINEMENT FACILITIES

Responsible Office	NAVPERSCOM (PERS-84)	Phone:	DSN COM FAX	882-4444 (901) 874-4444 882-2626
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Governing Directive	SECNAVINST 1640.9B
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1. **Security**. Commanding officers shall determine the degree of security measures needed to ensure the safe delivery of personnel being transported to confinement facilities. For more information see the governing directive.

2. **Prisoner Escorts**. Commanding officers are responsible for ensuring only personnel who have received specialized training and experience are assigned as prisoner escorts. For more information see the governing directive.

3. **Proper Clothing**

a. To avoid embarrassment to Navy when transporting members in custody who may be exposed to public view, escorts shall be instructed to ensure that such members are properly clothed prior to departure from the pick up point from which the member will be transported. Commanding officers are authorized to provide escorts of such members with not more than \$75.00 for each such member to be transported. These monies, if provided, shall be included in the escort's travel advance to be used to purchase inexpensive suitable attire for such a member provided that during some phase of the trip the member will be subject to view by the public (e.g., vehicle, public transportation terminal).

b. A DD 139, Pay Adjustment Authorization shall be issued for the value of clothing purchased indicating a charge to the

appropriation which bears the regular pay and allowances of the member transported.

MILPERSMAN 1640-120

EMPLOYMENT OF PRISONERS

Responsible Office	NAVPERSCOM (PERS-84)	Phone:	DSN COM FAX	882-4444 (901) 874-4444 882-2626
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Governing Directive	Manual for Courts-Martial (MCM)
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1. **Policy.** The policy of Secretary of the Navy is that all able-bodied prisoners in naval custody in brigs, who are not otherwise assigned, should be employed in useful work. This employment is essential to aid in prisoners' reformation. The full-time employment of prisoners shall be in the following comprehensive and diversified programs:

- a. Education;
 - b. Military training;
 - c. Vocational training in maintenance, repairs, and industries; and
 - d. In plain hard work.
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2. **Commanding Officers/Officers in Charge (OICs) and Chief Petty Officers in Charge (CPOICs) Responsibilities**

a. Commanding officers, OICs, and CPOICs of brigs shall provide both work useful to the government and training programs commensurate with prisoner's rank or pay grade. Commanders of other naval activities shall utilize the available labor of prisoners at nearby naval brigs to the maximum extent feasible.

b. Commanding officers, OICs, and CPOICs operating brigs shall ensure that local commands have easy access to prisoner working parties and that these working parties are available for extended, uninterrupted periods of time each day.

3. **Work Projects**. Work projects shall be chosen to benefit the government and rehabilitate and train the prisoner. Suitable work for prisoners includes, but is not limited to,

- a. maintenance and repair of the institution;
 - b. salvage, repair, and conversion of government property;
 - c. services for nearby government establishments; and
 - d. manufacture of articles for government use.
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4. **Prisoner Work Schedule**

a. Prisoner work schedules should be modeled on the average Navy Standard Workweek at Sea (approximately 60 hours per week).

b. Although the work and training of prisoners should not be less strenuous than that of other personnel at the same naval activity, this schedule should not be so rigorous as to interfere with a prisoner's daily need for 7 hours of sleep and time to eat the full ration served.

c. Sunday and national holidays should normally be days of rest except for routine housekeeping, and police and emergency work that must be performed for the command.

5. **Pretrial Detainees**. Pretrial detainees must not be required to observe either duty hours or training schedules devised as punitive measures and they must not be required to perform punitive labor (MCM, Rules for Courts-Martial (RCM) 1003(b)). Since only the assignment of training or labor as punishment is prohibited, this does not prevent their assignment to full-time schedules of employment, but it does mean

a. they must not work with sentenced prisoners outside the facility; inside they should also work separately, but in cases of necessity, may be placed together on housekeeping or other assignments not designed to be punitive.

b. instructions governing employment of prisoners must clearly distinguish between the employment of pretrial detainees and sentenced prisoners.

MILPERSMAN 1640-130

RESTORATION PROGRAM FOR NAVY PRISONERS AT NAVAL CONSOLIDATED BRIGS

Responsible Office	NAVPERSCOM (PERS-84)	Phone:	DSN	882-4444
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Governing Directives	10 U.S.C., Chapter 48, Section 951(c) Manual of the Judge Advocate General (JAGMAN) Manual for Courts-Martial (MCM)
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1. Purpose

a. The Naval Restoration Program is established to meet the requirements of 10 U.S.C., chapter 48, section 951(c) which requires the commanding officer (CO) of a major military correctional facility to employ offenders "...with a view to their restoration to duty, enlistment for future service, or return to civilian life as useful citizens."

b. A routine of work and programs to assist offenders with their individual problems is required. Offenders who are determined to be candidates for return to active duty are required to participate and resolve their problems.

c. Officers and enlisted members who have day-to-day contact with the offenders will identify and certify which prisoners have developed the self-control required to return to the fleet.

2. General Court-Mareatial (GCM) Authority. Navy Personnel Command (NAVPERSCOM) is the GCM authority immediately superior in the chain of command to each of the Naval Consolidated Brig (NAVCONBRIGs) and is empowered to remit or suspend any part or amount of the unexecuted portion of any sentence, except as limited by JAGMAN, section 0159.

3. **Submission to Program.** The following procedures will be observed in the submission of a prisoner to the program:

Step	Action
1	The prisoner will forward request to NAVPERSCOM (PERS-00) via CO, NAVCONBRIG. A brief statement on why restoration is requested and why it should be granted will be included.
2	CO, NAVCONBRIG will comment and make a recommendation on the request as appropriate and submit the package to NAVPERSCOM (PERS-84). Enclosures to the package will be copies of the prisoner's NAVPERS 1070/609, Enlisted Performance Record. Record of trial. Record of investigation. Court-martial order. Copy of Naval Clemency and Parole Board (NC&PB) action (if available). Report of prisoner's progress. Certification by staff of prisoner's progress. Date of Expiration of Active Obligated Service (EAOS). CO, NAVCONBRIG will inform the original Convening Authority (CA) of the requested restoration. In order to allow sufficient time for CA response, inform the CA as soon as a final decision is made to recommend restoration.
3	The CA will comment and make a recommendation on the request, if desired.

4. **Navy Personnel Command Responsibility**

a. Navy Personnel Command will act on request, denying it or granting it in whole or in part. Actions approved shall be by supplementary court-martial order.

b. If part of a granted request requires action on an approved and executed reduction in rate, NAVPERSCOM may temporarily and conditionally advance prisoner to the pre-sentence rate or any intermediate rate. The advancement shall become permanent after the successful completion of this suspension period for the punitive discharge.

5. **Punitive Discharge**. If restored to duty, the punitive discharge will be suspended, generally, for 1 year.

6. **Term of Service**. Before restoration and temporary advancement may be effected, the prisoner must have a sufficient amount of obligated active service remaining to accommodate the suspension term. If not, as a condition of granting restoration, the prisoner shall extend their enlistment, at a minimum, to equal the suspension term.

7. **Conditions of Suspension and Temporary Advancement**

a. The prisoner shall not engage in misconduct, which could subject the prisoner to punishment under the Uniform Code of Military Justice, or punishment by civil authorities (including traffic violations involving alcohol/drug abuse or recklessness).

b. Proceedings to vacate a suspension shall be governed by MCM, Rules for Courts-Martial (RCM) 1109, and shall also serve as proceedings to revoke a temporary advancement effected under this program.

MILPERSMAN 1640-140

ESCAPED PRISONERS

Responsible Office	NAVPERSCOM (PERS-84)	Phone:	DSN COM FAX	882-4444 (901) 874-4444 882-2626
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Governing Directives	SECNAVINST 5800.11A MCM, Manual for Courts-Martial, Chapter 3 BUPERSINST 1640.17D SECNAVINST 1640.9B MCM, Manual for Courts-Martial, paragraph 97C
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1. **Policy.** An escape by a prisoner is their deliberate absence from their place of confinement or custody, or from the supervision of the assigned escort.

2. **Escape From Confinement.** As soon as it is known that a prisoner has escaped from confinement the commanding officer will:

Step	Action
1	Immediately secure the area and institute a search. Furnish command authorities with information available at the time, which might assist in the apprehension.
2	Immediately notify the nearest military and civilian law enforcement agencies. Provide a complete description of the escapee: All significant facts regarding the time, place, and circumstances of the escape. Names and addresses of relatives, friends, and/or persons protected under the victim/witness program. Places under the jurisdiction of such police to which the escapee might go.

Step	Action
3	Within 1 hour from the time of escape, declare the escapee a deserter (see MILPERSMAN 1600-060), and notify: Navy Absentee Collection and Information Center (DSN) 792-2106 or toll free 1-800-423-7633.
4	Notify victim/witness required by SECNAVINST 5800.11A.

3. Escape While in Transit or Temporary Custody

a. The commanding officer of a transferring activity remains the prisoner's commanding officer until the prisoner in transit has been delivered to the prisoner's destination and receipted for.

b. When a prisoner escapes while in transit or from temporary custody not under the immediate jurisdiction of the commanding officer, the escort will:

Step	Action
1	Immediately notify: the Navy Absentee Collection and Information Center the prisoner's commanding officer the scheduled receiving activity local civilian and military authorities
2	The prisoner's commanding officer shall immediately declare the prisoner a deserter.
3	Victim/Witness notification procedures will be followed, as required by SECNAVINST 5800.11A.

4. Escapee Surrender

a. **When an escapee surrenders or is delivered to the place of confinement from which the prisoner escaped:** Notify all persons who have previously been notified of the escape. Hold the escapee in maximum custody for disciplinary action.

b. **When an escapee surrenders or is delivered to a Navy or Marine Corps activity in the vicinity of the place of confinement from which the prisoner escaped:** The individual

shall be held in maximum custody and returned under guard furnished by the place of confinement.

c. **When an escapee surrenders at a naval activity not in the vicinity of the place of confinement from which the prisoner escaped:** Immediately notify the Navy Absentee Collection and Information Center by telephone and follow with a message (see MILPERSMAN 1600-070). An information copy of this notification will be sent to the place of confinement from which the prisoner escaped and the commanding officer thereof will notify all military and civil authorities and persons previously notified of the escape. The escapee should be in maximum custody pending instructions for the escapee's disposition.

NOTE: The Navy Personnel Command (NAVPERSCOM) (PERS-84) and the activity major claimant shall be information addressees on all notification and messages.

5. **New Place of Confinement.** If another place is designated for the confinement of the escapee, an information copy of the designation will be sent to the commanding officer of the original place of confinement who will forward the prisoner's record and effects, including a statement of the maximum number of days of good time and extra good time earned to and including the date of escape, to the designated place of confinement. Appropriate disciplinary action shall be initiated by the prisoner's new commanding officer.

6. **Preliminary Courts-Martial Proceedings**

a. As soon as practical after the return of the escapee to a naval activity, preliminary proceedings under chapter 3 Manual for Courts-Marital (MCM), should be considered.

b. Forfeiture of all good time and extra good time earned by the prisoner is considered appropriate.

c. If any part of the prisoner's sentence has been suspended, the commanding officer may initiate steps to vacate the suspension or take disciplinary action.

d. It is emphasized that the time in an escape status is not counted as time served toward completion of the sentence (see MCM, paragraph 97C)

e. The release date is extended by the number of days of unauthorized absence.

f. Provided the unauthorized absence exceeds 24 hours, the date of escape is counted as a full day of confinement and the date of return to naval jurisdiction is counted as a day of absence.

7. **Specific Procedures**. The following procedures will be carried out in the case of escapees by personnel who have been:

- a. convicted by general court-martial; or
- b. confined as a result of the alleged commission of an offense punishable by confinement in excess of 1 year; or
- c. considered dangerous due to mental condition or nature of the offense(s) alleged; or
- d. whose escape was accomplished by force or threat of force.

Step	Action
1	After escapee is declared a deserter, immediately notify by telephone the nearest field office of the Naval Criminal Investigative Service giving all significant information regarding the escapee. NOTE: Such notification will not be made by the guard unless so instructed by their commanding officer.
2	Special agents of the Naval Criminal Investigative Service will be given access to all records and effects of the escapee including addresses of relatives, friends, or places to which the escapee might go.
3	Furnish the Naval Criminal Investigative Service field office with a signed copy of DD 553, Deserter/Absentee Wanted by the Armed Forces, as soon as possible.

8. **Prisoner Transfer Between Brigs**

a. The transfer of prisoners between brigs shall be in compliance with BUPERSINST 1640.17D, SECNAVINST 1640.9A, and with the following procedures for escorts.

(1) When necessary, restraints such as handcuffs, leg irons, and waist chains may be used.

(2) Maximum custody prisoners shall be under restraints and the escort shall be armed only as specifically authorized by the commanding officer.

(3) The firearms may be loaded but ammunition shall not be carried in the chamber.

b. The authority of armed escorts to fire weapons is considered justified only to disable and then only under conditions of extreme necessity and as a last resort when all lesser means have failed or cannot reasonably be employed. Extreme caution must be exercised to ensure that firing of a weapon will not injure innocent bystanders.

c. Deadly force, i.e., force which a member uses with the purpose of causing, or which the member knows, or should know, would create a substantial risk of causing death or serious bodily harm, shall not be used except:

(1) When it reasonably appears to be necessary to protect law enforcement or security personnel who reasonably believe themselves to be in imminent danger of death or serious bodily harm.

(2) When it reasonably appears to be necessary to prevent the commission of a serious offense involving violence, threatening death, or serious bodily harm such as arson, armed robbery, aggravated assault, or rape.

(3) When it reasonably appears necessary to apprehend or prevent the escape of a person reasonably believed to have committed an offense of the serious nature specified above.

(4) When it has been specifically authorized by competent authority and reasonably appears to be necessary to prevent the escape of a prisoner.
